

# COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

## AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building	(2) MEETING DATE April 11, 2006	(3) CONTACT/PHONE Terry Wahler, Senior Planner (805) 781-5621	
(4) SUBJECT: A request to authorize the processing of amendments to: A. The San Luis Obispo County Rules of Procedure to Implement the California Land Conservation Act of 1965 to: 1) clarify the method used to determine reductions in minimum parcel size for land with mixed agricultural potential or use; 2) clarify the qualifying criteria for discontinuous parcels under one ownership; 3) allow establishment of Farmland Security Zones simultaneously with Agricultural Preserves; 4) preclude exclusion of portions of parcels from contracts; 5) establish Laird Bill contract consistency criteria including revisions to Table 2, "Compatible Uses for Contracted Land" to clarify allowable residential density, revision of the status of Bed and Breakfasts, definition of the scope of agricultural tourism & farm stay uses, and revision of the scope of Temporary Events; and 6) possibly address changes to Table 1, "Minimum Ownership Sizes for Qualification and Minimum Parcel Sizes for Conveyance of Land & New Land Divisions" to increase the qualifying acreages for all agricultural land and to increase the minimum parcel size for grazing land from 320 to 640 acres. B. The Land Use Ordinance and Coastal Zone Land Use Ordinance, Titles 22 and 23 of the County Code, to include necessary ordinance revisions to reflect legislative changes such as the Laird Bill and other clarifications for consistency with the California Land Conservation Act of 1965. All Supervisorial Districts.			
(5) SUMMARY OF REQUEST Recent legislative changes to the Williamson Act make it necessary to amend The San Luis Obispo County Rules of Procedure to Implement the California Land Conservation Act of 1965 and county land use ordinances.			
(6) RECOMMENDED ACTION Review and determine whether the proposed amendments should be authorized for processing.			
(7) FUNDING SOURCE(S) Department Budget	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Agricultural Preserve Review Committee and Planning Commission.			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help			
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All <input checked="" type="checkbox"/>		(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing <input type="checkbox"/> Presentation (Time Est. __) <input checked="" type="checkbox"/> Board Business (Time Est. 60 minutes)		(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	

(19) ADMINISTRATIVE OFFICE REVIEW	Ok Leslie Brown
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(4/11/06)



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS  
**FROM:** TERRY WAHLER, SENIOR PLANNER  
**VIA:** WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WTH*  
**DATE:** APRIL 11, 2006  
**SUBJECT:** A request to authorize the processing of amendments to:

- A. The San Luis Obispo County Rules of Procedure to Implement the California Land Conservation Act of 1965 to: 1) clarify the method used to determine reductions in minimum parcel size for land with mixed agricultural potential or use; 2) clarify the qualifying criteria for discontinuous parcels under one ownership; 3) allow establishment of Farmland Security Zones simultaneously with Agricultural Preserves; 4) preclude exclusion of portions of parcels from contracts; 5) establish Laird Bill contract consistency criteria including revisions to Table 2, "Compatible Uses for Contracted Land" to clarify allowable residential density, revision of the status of Bed and Breakfasts, definition of the scope of agricultural tourism & farm stay uses, and revision of the scope of Temporary Events; and 6) possibly address changes to Table 1, "Minimum Ownership Sizes for Qualification and Minimum Parcel Sizes for Conveyance of Land & New Land Divisions" to increase the qualifying acreages for all agricultural land and to increase the minimum parcel size for grazing land from 320 to 640 acres.
- B. The Land Use Ordinance and Coastal Zone Land Use Ordinance, Titles 22 and 23 of the County Code, to include necessary ordinance revisions to reflect legislative changes such as the Laird Bill and other clarifications for consistency with the California Land Conservation Act of 1965.

All Supervisorial Districts.

## RECOMMENDATION

Review and determine whether the proposed amendments should be authorized for processing.

## DISCUSSION

### Background

The county Agricultural Preserve Review Committee (APRC) is the advisory body established by the Board of Supervisors to develop policies for, and assist in, guiding the administration of the county's agricultural preserve program for implementing the California Land Conservation Act of 1965 (also known as the Williamson Act). The APRC has reviewed recent legislative changes to the Williamson Act and identified program trends and issues raised during the

consideration of individual requests for agricultural preserves and contracts. The APRC recommends that your Board authorize the processing of several amendments to the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 and the Inland Land Use Ordinance (LUO) and Coastal Zone Land Use Ordinance (CZLUO) to reflect these legislative changes and address the program trends and issues.

Additional possible amendments to the Rules of Procedure were discussed at the APRC's meeting of February 27, 2006 that, as of the time of this report's preparation, have not yet been formally recommended for Board authorization. The APRC will consider and take formal action on these additional possible amendments on April 10, 2006 and their recommendations will be reported to your Board at today's meeting. The additional possible amendments include:

- 1) Increasing the minimum amount of qualifying acreage in Table I, "Minimum Ownership Sizes for Qualification and Minimum Parcel Sizes for Conveyance of Land & New Land Divisions" for all types of agricultural land to equal the minimum parcel size for conveyance of existing parcels or creation of new parcels.
- 2) Increasing the minimum parcel size in Table 1 for grazing land from 320 acres to 640 acres.

#### **Authority**

The California Land Conservation Act of 1965 sets forth the authority by which the county's Rules of Procedure for its implementation can be amended. The first step in this process is the Board of Supervisors authorization to proceed with the amendments, which should include consideration of the following factors by the Board of Supervisors:

- a. Review of legislative changes to California Land Conservation Act of 1965 (Williamson Act) relative to the existing Rules of Procedure to evaluate the need for amendments to the Rules.
- b. Review of recent changes to local ordinances, general plan elements, and local policies that may necessitate revisions to the Rules of Procedure.
- c. Review of functional program implementation issues or changing local circumstances that may warrant changes to the Rules of Procedure.

#### **Major Issues**

The requested amendments raise the following major issues to be addressed in the review process:

1. Will the proposed changes adequately address recent legislative changes to the California Land Conservation Act of 1965 (Williamson Act) consistent with the guidelines of the Department of Conservation?
2. Will the proposed changes bring the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 into closer consistency with the Inland and Coastal Land Use Ordinances, Land Use Element policies and the policies of the Agriculture and Open Space Element?

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3. Will the proposed amendments strengthen the county's agricultural preserve program and help better protect agricultural and open space lands throughout the county?
4. What potential environmental effects, negative or positive, will the proposed amendments have, if any?

### **California Land Conservation Act of 1965 (Williamson Act) and the County's Rules of Procedure**

The objectives of the San Luis Obispo County Agricultural Preserve Program, as provided by the California Land Conservation Act of 1965 or Williamson Act, are to protect agricultural lands for continued production of food and fiber and limited types of land devoted to open-space and recreational uses. The county's Rules of Procedure to Implement the California Land Conservation Act of 1965 establish the standards for property eligibility and land use restrictions under the program and provide procedures for contract terminations and program monitoring. Changes to the Rules of Procedure must be consistent with the Williamson Act, including all subsequent legislative changes. A major underlying reason to amend the Rules of Procedure now is to bring the local rules into better compliance with recent legislative changes such as AB 1492, also known as the Laird Bill.

### **General Plan and Land Use Ordinance Considerations**

In determining whether to approve specific changes to the Rules of Procedure, the Board of Supervisors must also consider consistency with existing goals and policies in the general plan, primarily the Land Use Element and the Agriculture and Open Space Element.

#### General Goals of the Land Use Element

Applicable general goals of the Land Use Element include: balancing the capacity for growth with the sustained availability of resources, the identification and maintenance of important agricultural, natural and other rural areas between cities and communities; the protection of agricultural land for the production of food, fiber and other agricultural commodities; the encouragement of first using underutilized "infill" parcels and lands next to existing development; and, if public facilities are necessary in rural areas, to allow for sufficient buffers to protect environmental and agricultural lands.

#### Agriculture and Open Space Element

The Agriculture and Open Space Element contains policies to protect agricultural and open space lands. The Williamson Act program is identified as the county's primary tool to protect these lands from inappropriate and premature development and, as such, functions as the instrument to implement the policies of the Agriculture and Open Space Element. Any changes to the Rules of Procedure must consider the consistency of such changes with the Agriculture and Open Space Element.

#### Inland and Coastal Zone Land Use Ordinance

The proposed changes to the Land Use Ordinances are limited to those sections and references to the land uses allowed on agricultural, open space or recreational lands under land conservation contracts or open space easements.

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### **Agricultural Preserve Review Committee**

The Agricultural Preserve Review Committee (APRC) discussed potential revisions to the Rules of Procedure on March 19, 2004, on May 16, 2005, and more recently on February 27, 2006. Staff included all of the changes previously recommended by the APRC and consolidated them into a draft Board authorization report that was reviewed by the APRC on February 27, 2006. The APRC will meet again on April 10, 2006 to discuss and possibly act on two additional amendments to the Rules of Procedure. Staff will orally report any action taken by the APRC to your Board at today's meeting. The recommendations provided below are those of the APRC that have been formally voted on at the time of this report's preparation.

## **PROPOSED AMENDMENTS**

### **A. Amendments to the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 to address the following Issues:**

#### **1. Method to Determine Reduction in Minimum Parcel Size**

##### Issue:

The concern raised has been the method in Section E-1, Appendix, of the Rules of Procedure for determining the minimum parcel size of land with mixed agricultural use or potential when contracts are being amended to reduce minimum parcel size for conveyance, usually in conjunction with proposed parcel maps or lot line adjustments. When property owners request contract amendments to change the minimum parcel size provision after intensifying agricultural uses, the motivation is almost always to separately convey an existing parcel or subdivide the land for separate conveyance.

The focus of the concern is the way in which minimum parcel size is determined. In evaluating mixed uses for minimum parcel size, the result is often more favorable to reduction if the individual resulting parcels are used in the calculation as opposed to the entire property. For example, less intensive agricultural uses such as grazing land tends to skew the calculation towards a higher minimum parcel size if the entire property is used, as opposed to the individual proposed parcel.

The staff practice has been to calculate the minimum parcel size for each proposed parcel since the assumption is that each parcel, if it qualifies, is eligible for a contract on its own, and should be a legitimate candidate for a separate contract based on the reduced minimum parcel size.

##### Recommendation:

Clarify Section E-1 in the Rules of Procedure for determining qualification and minimum parcel size for land with mixed agricultural potential or use to continue to implement the minimum parcel size criteria as allowing each proposed parcel to qualify on its own.

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## **2. Qualifying Criteria for Discontiguous Parcels Under One Ownership**

Issue:

There has been some concern expressed about allowing discontiguous parcels in a single ownership to be used to qualify for a single preserve and contract, and the lack of criteria in the Rules of Procedure to limit or guide this practice.

Staff discussed this issue with County Counsel. The Williamson Act specifically allows discontiguous parcels under the same ownership to be used to qualify for preserve and contract, and our ability to restrict this is very limited. Some criteria could be included in our Rules of Procedure but the provision could not be disallowed altogether.

Recommendation:

Strengthen language in the Rules of Procedure to require that the agricultural enterprises on two or more discontiguous parcels under a single contract must be collectively functionally viable.

## **3. Table "O" Reference to Reflect New Inland Land Use Ordinance Format**

Issue:

The Inland Land Use Ordinance was reformatted after the last amendment to the Rules of Procedure in 2001 and Table "O," the matrix of allowed land uses by land use category, was renamed Table 2-2.

Recommendation:

The Rules of Procedure needs to be changed to properly reference reformatted Inland Land Use Ordinance references to Table 2-2.

## **4. Establishing Farmland Security Zones simultaneously with Agricultural Preserves**

Issue:

The current Rules of Procedure require that a property already be in an agricultural preserve and a land conservation contract before a Farmland Security Zone can be established and a Farmland Security Zone are entered into. This issue was reviewed with County Counsel. Counsel's recommendation was to change the Rules of Procedure to make it consistent with current State law. The Williamson Act currently does not require that a property already be in an agricultural preserve and a land conservation contract before a Farmland Security Zone can be established and a Farmland Security Zone can be entered into.

Recommendation:

Amend the Rules of Procedure to include language to allow a property owner to establish both an Agricultural Preserve and a Farmland Security zone simultaneously before entering into a Farmland Security Zone Contract.

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## **5. Exclusion of Portion of Parcel from Contract**

### Issue:

The Williamson Act does not require that an entire parcel be placed under contract if the portion of land proposed for contract meets local eligibility criteria. Recently this issue surfaced when an applicant proposed to exclude a portion of his property from the contract where he wished to construct agricultural processing-related facilities so that it would not be subject to the added restrictions of the Williamson Act and a land conservation contract. This application was approved but concerns were raised as to whether this was a good policy for the long term. It was learned that other counties prohibit this practice and there are a number of reasons why this practice could become problematic over time. Record keeping becomes difficult since contracted land needs to be assigned a distinct assessor's parcel number and the portions of legal lots would not correspond to their respective assessor's parcels numbers. Having more intensive land uses under more relaxed standards surrounded by contracted agricultural land may create problems with the Williamson Act compatible use requirements and lead to discontinuous pockets of quasi-commercial land uses surrounded by farmland with the associated problems of traffic and land use compatibility problems. Also, this practice may further complicate agricultural practices and regulation due to the need for agricultural buffers internal to an individual parcel, a portion of which is under contract and a portion of which is used intensively for processing and marketing of agricultural products and related activities.

### Recommendation:

Amend the Rules of Procedure to include language to preclude the exclusion of portions of legal parcels from land conservation contracts.

## **6. Laird Bill Consistency**

Legislative changes to the Williamson Act under the recently enacted Laird Bill (AB 1492) narrow the range of land uses allowed on contracted land and establish financial penalties for property owners with structures unrelated to the on-site agricultural activities that are determined to be in material breach of their contracts. Areas of concern include:

### ***Residential Density***

#### Issue:

The Inland Land Use Ordinance allows the number of residences in the Agriculture land use category to be based on the number of parcels (and the size of the parcel) and allows two primary dwellings per parcel 20 acres or larger in size in addition to farm support quarters meeting LUO standards. The Williamson Act bases residential density on each land conservation contract as a whole regardless of the number of underlying parcels in each contract and each residence must be incidental to or in support of the agricultural enterprise.

#### Recommendation:

Amend the Rules of Procedure to clarify the residential density changes.



### ***Transient Occupancy***

Issue:

Table 2 of the Rules of Procedure allows transient occupancy in the form of Bed and Breakfasts. The Inland Land Use Ordinance allows the establishment of an eight unit Bed and Breakfast. Where there is an existing visitor serving use on site, a family does not have to live in the residence used for the Bed and Breakfast. The amount of transient occupancy uses allowed should be evaluated to determine the extent that they may be inconsistent with the Laird Bill.

Recommendation:

Amend the Rules of Procedure to eliminate this land use on contracted land or reduce the number of units allowed.

### ***Agricultural Tourism & Farm Stays***

Issue:

Agricultural tourism and farm stays have been increasing as a method of providing supplemental income to agricultural landowners to help maintain agricultural viability. However some standard of review is needed to ensure consistency with land conservation contracts after the Laird Bill was enacted, since commercial agricultural activities must be related to the agricultural enterprise.

Recommendation:

Amend the Rules of Procedure to provide guidelines for agricultural tourism, farm stays and related activities on contracted land.

### ***Temporary Events***

Issues:

Table 2 of the Rules of Procedure allows Temporary Events on contracted land. Laird Bill consistency issues can arise depending on the frequency, intensity and type of event proposed.

Recommendation:

Amend the Rules of Procedure to provide additional criteria to address potential consistency issues with Laird Bill changes.

### ***Table 2 – Agricultural and Compatible Uses for Lands Subject to Land Conservation and Farmland Security Zone Contracts***

Issues:

Table 2 of the Rules of Procedure (especially the clarifying notes therein) need to be amended to address land uses that may no longer meet the compatible use requirements of the Williamson Act.

Recommendation:

Amend Table 2 of the Rules of Procedure to reflect clarifications and changes to allowable land uses needed for consistency with current Williamson Act requirements.



**B. Amendments to the Inland and Coastal Zone Land Use Ordinances:**

**1. Residential Density**

Issue:

The Land Use Ordinance and Coastal Zone Land Use Ordinance allow specific numbers and types of residential density on land that is designated Agriculture. This provision needs to reflect the density allowed by the Rules of Procedure for lands under contract.

Recommendation:

Amend the relevant sections of the Land Use Ordinance and Coastal Zone Land Use Ordinance referencing residential density to require compliance with the Rules of Procedure for all lands under land conservation or Farmland Security Zone contracts.

**2. Allowed Uses**

Issue:

The Land Use Ordinance and Coastal Zone Land Use Ordinance allow specific uses on land that is designated Agriculture. These uses need to reflect the uses allowed by the Rules of Procedure for lands under contract.

Recommendation:

Amend the relevant sections of the land use ordinances to clarify that allowed uses on contracted land are also subject to Table 2 of the Rules of Procedure.

**C. Additional issues raised at the February 27, 2006 Agricultural Preserve Review Committee meeting**

At the February 27, 2006 APRC meeting, the committee members discussed the possibility of amending the Rules of Procedure to address the issue of increasing the minimum parcel size requirement for grazing land up to 640 acres. Although it was briefly discussed, there was no vote to add it to the authorization request.

Subsequent to the APRC meeting, staff was approached by individual committee members who expressed interest in including this change in the authorization request. An additional authorization item was also requested that had also been discussed but not voted on. The second item was the issue of making the minimum acreage for eligibility equal to the minimum parcel size for conveyance and creation of new parcels through land division in Table 1 for all types of agricultural land.

In view of the interest in considering these changes, they have been included on the agenda for the April 10, 2006 APRC meeting so that the APRC could consider recommending adding them to the authorization request by formal vote. Staff will report on the action to your Board at today's meeting.

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***1. Increasing the Minimum Parcel Size for Grazing from 320 acres to 640 acres***

Issue:

The APRC discussed the issue of increasing the minimum parcel size for grazing land. The concern is that 320 acres is an insufficient amount of land to support a viable cattle grazing operation and, for the purposes of eligibility for the program, selling existing parcels within a contract (conveyance) or creating new ones through land division, the minimum parcel size requirement should be raised to 640 acres.

The implications of this change would be to: 1) prevent eligibility of rangeland parcels under 640 acres for the program and, 2) prevent conveyance of land under contract in cases where there were two legal parcels and the total acreage was less than 1,280 acres, since both the remaining parcel and the conveyed parcel would need to conform to the contract minimum of 640 acres.

The situation would be the same for property owners proposing to sell a portion of their contracted land where only a single legal parcel existed, except they would have to obtain approval of a tentative parcel map application to divide their 1,280 acre parcel into 640 acre parcels.

***2) Increasing the Minimum Amount of Qualifying Acreage in Table I for All Types of Agricultural Land to Equal the Minimum Parcel Size for Conveyance of Existing Parcels or Creation of New Parcels.***

Issue:

The basic purpose of the change is to eliminate the confusion, and what some feel is the basic illogic, of having one standard for qualifying and another for conveying parcels.

Another motivation for this change is to increase the size of properties under contract so that they better reflect the land's income potential. This raises the question of how many agricultural operations are actually self supporting and whether or not the majority either involve leases by non-owner operators on multiple properties or rely on the owner's non-farm income to keep the farm or ranch solvent.

This proposed change would most notably exclude many prospective applicants with less than the amount of acreage currently required for conveyance of existing parcels or creation of new ones. This change could significantly reduce the amount of acreage coming into the program on an annual basis.

The primary advantage of having the minimum qualifying acreage equal the minimum parcel size acreage for conveyance or subdivision is that on the surface it would simplify the conveyance and subdivision aspects. However it would only apply to new applications. Parcels already under contract that qualified on the basis of the lower qualifying size will still enjoy a property tax reduction while people purchasing property after this effective date will not, creating a large number of property owners with contracts that do not conform to the new rules.

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### **ALTERNATIVES**

Your Board can choose from the following alternatives on whether to authorize this application for processing:

- a. Choose to authorize the processing of this request as outlined above.
- b. Choose to authorize the processing of this request with modifications.
- c. Choose to not authorize the processing of this request.

### **OTHER AGENCY INVOLVEMENT**

The Agricultural Preserve Review Committee participated in the development of this authorization request. If the request is authorized for processing, the proposal will be referred to all applicable agencies, including the Agricultural Liaison Board, Agriculture Commissioner, Local Agency Formation Commission, County Assessor and the California Department of Conservation.

### **FINANCIAL CONSIDERATIONS**

The actual cost of processing the amendments will be absorbed in the Department of Planning and Building's budget.

### **RESULTS**

Authorization of the requested Rules of Procedure and ordinance amendments will allow continued processing and a final decision to occur. Not authorizing the request will stop the further processing of these amendments.

### **ATTACHMENTS**

Minutes from the February 27, 2006 Agricultural Preserve Review Committee meeting.

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SAN LUIS OBISPO AGRICULTURAL PRESERVE REVIEW COMMITTEE

**DRAFT** MINUTES OF THE MEETING OF  
FEBRUARY 27, 2006

Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held at the Farm Bureau in San Luis Obispo, California, at 1:30 p.m.

The meeting is called to order at 1:30pm by Warren Hoag.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Agricultural Preserve Review Committee and as listed on the agenda for the Regular Meeting of February 27, 2006.

**AGRICULTURAL PRESERVE REVIEW COMMITTEE**

Present:	Don Warden	Agricultural Liaison Committee
	Dick Nock	Cattlemen's Association
	Irv McMillan, Alternate	Environmental Organization Membe
	Wayne Jensen	Farm Advisor
	Hugh Pitts	Farm Bureau
	Paul Clark, Alternate	Farm Bureau
	Ed Carson	Land Conservancy of San Luis Obispo County
	Robert M. Sparling	Public-at-Large Member
	Thomas J. Rice, Jr.	Soil Science Member
	Lynda Auchinichie	County Agricultural Comissioner
	Sara Sylwester, Alternate	County Assessor
Absent:	Farm Service Agency	
	Farm Advisor	

**COUNTY STAFF**

Warren Hoag	County Planning and Building Department
Terry Wahler	County Planning and Building Department
Mary Velarde	Secretary
Jim Orton	County Counsel
Ann McMahon	Legislative Assistant, District 5

**PUBLIC**

Steve Knudson	Legal Aide
Eric Greening	Public
Maria Lorca	Public
Susan Harvey	Public
Dorothy Jennings	Public

It is determined there is a quorum for today's meeting.

**PUBLIC COMMENT PERIOD**

Eric Greening, general public, asks whether today's meeting be open for public comment just once or more, or will it be open by point discussed or by pre-Laird Bill reference, or what.

Warren Hoag, County Planning and Building, responds.



Maria Lorca, general public, asks if it's appropriate for this group to consider the appropriateness of moving parcels from contracted parcels to adjacent, non-contracted land.

Mr. Hoag consults with Terry Wahler, County Planning and Building, whether or not this has ever been previously addressed by the APRC as a proposed amendment issue. There is some discussion. Mr. Hoag consults today's agenda to see where the subject may be added. It is decided Ms. Lorca's item will be discussed in item 3 on today's agenda as other contract issues.

The public comment period is now closed.

**DISCUSSION OF PROPOSED AMENDMENTS TO COUNTY RULES OF PROCEDURE:**

Terry Wahler suggests today's discussion begin with the proposed amendments to the County Rules of Procedure as presented in the Board of Supervisors Draft Authorization Report dated April 11, 2006, beginning with Item #1 on page 4, as follows:

**Item 1. Method to Determine Reduction in Minimum Parcel Size**

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Mr. Wahler summarizes the concerns related to the method in Section E-1, Appendix, of the Rules of Procedure for determining the minimum parcel size of land with mixed agricultural use or potential when contracts are being amended to reduce minimum parcel size for conveyance, usually in conjunction with proposed parcel maps or lot line adjustments. When property owners request contract amendments to change the minimum parcel size provision after intensifying agricultural uses, the motivation is almost always to separately convey an existing parcel or subdivide the land for separate conveyance.

Mr. Wahler states the focus of the concern is the way in which minimum parcel size is determined. He indicates staff practice has been to calculate the minimum parcel size for each proposed parcel since the assumption is that each parcel, if it qualifies, is eligible for a contract on its own, and should be a legitimate candidate for a separate contract based on the reduced minimum parcel size.

The staff recommendation is to Clarify Section E-1 in the Rules of Procedure for determining qualification and minimum parcel size for land with mixed agricultural potential or use to continue to implement the minimum parcel size criteria as allowing each proposed parcel to qualify on its own.

Mr. McMillan questions the formula being used to determine qualification for minimum parcel size, whether it's qualifying standards or are we using the standards for creating parcels.

Warren Hoag responds that the answer is "both" and refers to the Appendix on page 31 indicating there is a procedure based on qualifying purposes and on page 33, there's a process for determining the mixed use calculation for the purpose of subsequent land division. States we use both the qualifying and the subsequent land division standards, depending on whether we're determining whether the mixed use parcels are qualified for the program in the first place or whether the parcel would qualify for a different land division standard.

Mr. McMillan further questions qualification measures for mixed use parcels. There is discussion. Mr. Hoag explains qualification is based on acreage and proposed use. He agrees with Mr. McMillan that there is a lesser standard for qualification than for subsequent division on conveyances.



Lynda Auchinichie questions when we last updated our rules of procedure, and how we have measured the success of the program. What methods have been used. States concerns with stated minimal parcel sizes and updating of our rules and procedures. Indicates that, as written, it seems very specific what we will address in terms of our updating of the rules and procedure.

Mr. Hoag responds that measuring the program's success is mainly "anecdotal", and refers to Table 1, which is the cornerstone of the Rules of Procedure. States the committee had actually in 2001 proposed substantial changes, including merging the qualifications and land division columns and instead, going with the higher parcel size for land division for both qualification and division and made that recommendation to the Board of Supervisors. However, the Board elected to not make that change. With that, the APRC has not revisited Table 1. There has not been a comprehensive re-evaluation this time around on the part of the committee of the Table 1 minimum parcel sizes because it was felt that the Board had made a relatively recent policy decision and it was decided to move on to other things.

Ms. Auchinichie again states her concerns with how we know how successful we've been with the program. States she's curious about the patterns of the types of lands and sizes of contracts under contract and what this means in terms of agriculture.

Mr. Hoag indicates the measure depends partly on how many acres we get in each year, and what the average property tax reduction is. Also, it's possibly on how many violations we see. Mr. Hoag states there are a variety of ways to measure the level of success.

There is further discussion.

Mr. Ed Carson states he is sympathetic to this issue, but feels today is not the day to discuss it. He requests referral of the issue to another meeting date.

Mr. Hoag suggests this topic of concern be taken up at a later time along with other subjects of general concern. He then asks Irv McMillan if he wishes to add anything to his previous comments.

Mr. McMillan responds, stating concerns with current restrictions on the Williamson Act and the continuous creation of parcels smaller and smaller in size.

Mr. Hoag states the conclusion here is that we want to do the process the way it has always been done under the existing rules.

**ACTION ON ITEM 1:**

**Therefore, on motion of Ed Carson and Second by Robert Sparling, Recommendation to the Board of Supervisors in Item #1 is approved to read as follows: "Clarify Section E-1 in the Rules of Procedure for determining qualification and minimum parcel size for land with mixed agricultural potential or use to continue to implement the minimum parcel size criteria as allowing each proposed parcel to qualify on its own."**

**Aye's: Don Warden  
Dick Nock  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling**

Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester

No's: Irv McMillane

**Item #2. Qualifying Criteria for Discontiguous Parcels Under One Ownership**

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Mr. Wahler presents concerns expressed about allowing discontiguous parcels in a single ownership to be used to qualify for a single preserve land contract, and the lack of criteria in the Rules of Procedure to limit or guide this practice. The committee recognizes that, under the law, we need to allow for this in our rules of procedure but we also have the ability to make sure that they are functionally viable, which they are not.

Mr. McMillan requests clarification of "functionally viable".

There is lengthy discussion.

Mr. Hoag indicates there should be some meaningful relationship between the individual parcels that make up the discontiguous contract; that they hang together business wise; they're in sensible geographic proximity; i.e. three or four discontiguous parcels in El Pomar that are probably within five miles within one another operated by a single grain operator, for instance, that can move his equipment from one place to another reasonably well is probably a reasonable example. He states that when we put the term "functionally viable" in the staff report, he didn't mean it to be the final language that would be in the actual rules to be presented to the Board of Supervisors.

Mr. Wahler states one of the things he feels we've all touched on here is the items of review that we've looked at, including the distance, the number of parcels and size, indicating that at some point, if you have many very small parcels but collectively they meet the criteria, this would be a situation where they would not be functionally viable – they would be too far apart, too small, and there does not seem to be any real connection between the way the land owner is operating his enterprise. He feels we do need to have some flexibility to meet the intent of the state law, as well.

There is discussion of a change in the language in the recommendation to the Board of Supervisors on this item.

Mr. Hoag states he doesn't feel we have to change the language at all, indicating that state law clearly allows discontiguous parcels. States we could review each contract on a case by case basis. Agrees this review process is just a means of getting the Board of Supervisors to give us the authorization to look at things further to come up with better wording in conjunction with the committee. He suggests the word "collective" be included in the draft report .

Linda Auchinichie proposes we accept the language presented on this item to include everything Warren Hoag stated previously.

At this point in the meeting, Mr. McMillan, Environmental Organization Member, requests discussion of each individual item as they are discussed.

Warren Hoag, County of SLO, indicates that the first five items had been previously discussed. He states that if the committee wishes to discuss the items further, we will do so.

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**ACTION ON ITEM #2:**

Therefore, on motion of Don Warden and second by Ed Carson, recommendation #2 to read: "Strengthen language in the Rules of Procedure to require that the agricultural enterprises on two or more discontinuous parcels under a single contract must be collectively functionally viable. " is approved for presentation to the Board of Supervisors.

Aye's: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester

No's: None

Susan Harvey requests to speak at this point. She asks if the word "collectively" viable should be included to cover both geographical location, number of parcels, sizes, etc. Mr. Hoag agrees, stating he would further add that it needs to make sense from the type of operation it is, indicating the example he gave earlier is the right one and because that is a common way to do it. States it might make sense for vineyards as well. States the answer to her question is yes.

**Item #3: Strengthen Measures to Prevent Sale of Parcels Smaller than the Minimum Parcel Size.**

Terry Wahler presents the recommendation. States the old contracts were discussed. States the debate, as he recalled, was based primarily on what could be done to strengthen and deter the sale of parcels smaller than minimum parcel size. It was mentioned that we could possibly require disclosure notices to property owners on minimum parcel sizes specified in their contracts. However, after much discussion, it was determined that the contracts themselves provide essentially a disclosure or warning in the body of the contract against that practice. County Counsel has pointed out that it is possible for the County to pursue legal options regarding the violations of contracts and require that sales of parcels below minimum size in the contract be rescinded through legal action, but we noted that the cost, time and complexity of pursuing these individual cases is substantial and prohibitive with current staffing and financial commitment. Mr. Wahler indicates one thing that was also discussed was voluntary compliance and raising awareness or educating real estate agents and title companies regarding the sales of parcels to help deter it at that level.

There is discussion of past legal actions taken. There is further discussion of ways to educate the public, including drafting a disclosure notice to property owners on the minimum parcel sizes specified in their contracts, to bring back to the committee for review. Mr. Wahler suggests this process could be a work item that the committee does periodically to send out educational information letters to appropriate people and possibly give some public presentations.

After lengthy discussion by all, it is decided to delete item #3 in it's entirety from the draft recommendations to the Board since there is no recommendation for actual changes to the Rules of Procedure.

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**ACTION ON ITEM #3:**

Therefore, on motion of Linda Auchinichie and second by Robert Sparling, recommendation to delete Item #3 in its entirety from the draft recommendations to the Board of Supervisors because there is no recommendation for an actual change to the Rules of Procedure, but support the concept of staff preparing a letter and doing outreach with the real estate industry on voluntary contract compliance, is approved.

There is public comment relating to the discussion of moving parcels from contracted land adjacent to non-contracted lands. Mr. Hoag states it will be discussed later after item #7.

**Ayes:** Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester

**No's:** None

**Item #4: Table "O" Reference to Reflect New Inland Land Use Ordinance Format**

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Mr. Wahler presents item #4 regarding the renaming of Table "O" to Table 2-2, indicating the recommendation is to activate the change.

Mr. Hoag clarifies all that is being done here is changing the reference to the companion table in the Land Use Ordinance, since it's title has changed.

There is a motion by Linda Auchinichie to recommend to the board that they authorize amendments to change the rules of reference to the Inland Land Use Ordinance to references in Table 2-2.

**ACTION ON ITEM #4:**

Therefore, on motion of Linda Auchinichie and second by Sara Sylwester, the recommendation that the Rules of Procedure needs to be changed to properly reference reformatted Inland Land Use Ordinance references to Table 2-2 is approved for presentation to the Board of Supervisors.

**Ayes:** Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester

No's: None

**Item #5: Establishing Farmland Security Zones simultaneously with Agricultural Preserves**

Mr. Wahler presents the recommendation. States the Rules of Procedure do not currently recognize the change to the Williamson Act that allows for people to enter directly into a Farmland Security Zone with a new Farmland Security Zone contract. The way the Rules of Procedure are currently structured would require that we do that in succession, starting with Ag Preserve, then an Ag Preserve Contract, Farmland security zone, and then Farmland Security Zone contract, which is pretty cumbersome and serves no particular purpose.

The recommendation to present to the Board of Supervisors would be to amend the Rules of Procedure to include language to allow a property owner to establish both an Agricultural Preserve and a Farmland Security zone simultaneously before entering into a Farmland Security Zone Contract, without having to do a regular ag preserve contract first.

Mr. Hoag indicates it was 2001 when we first amended the rules to incorporate the Farmland Security Zone program, which was brand new at that point. When it was first adopted in the Williamson Act, it did require that the land had to be in a regular ag preserve contract. The Williamson Act was subsequently amended so you could go directly into a Farmland Security Zone land contract without going through an ag preserve contract first. Since the criteria for evaluating eligibility is basically the same, and the minimum parcel sizes are the same or a bit more rigorous, it doesn't seem like there is much point in putting people through this intermediate step.

There is discussion regarding the incentives for someone applying for a Farmland Security Zone land contract. Mr. Hoag explains the tax break benefits. Sara Sylwester explains percentages of tax breaks.

There is discussion of the types of lands that are eligible and the length of commitment required.

Ms. Auchinichie asks how this information gets out to the public.

Mr. Hoag explains it is in the Rules. He suggests the possibility of presenting to realtors in the future.

Susan Harvey asks about range cattle grazing, indicating she would like to see this included in the Ag procedures, to include grain growing.

Mr. Wahler reads from the Rules of Procedure for clarification.

**ACTION ON ITEM #5:**

**Therefore, on motion of Tom Rice and second by Dick Nock, recommendation #5 to amend the Rules to allow a property owner to establish both an Ag Preserve and a Farmland Security Zone simultaneously before entering into a Farmland Security Zone Contract is approved for presentation to the Board of Supervisors.**

**Ayes: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts**

A handwritten signature in dark ink, appearing to read "Dick Nock", is located in the bottom right corner of the page. The signature is written in a cursive, somewhat stylized manner.

Ed Carson  
Robert M. Sparliung  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester

**No's: None**

**Item #6: Exclusion of Portion of Parcel from Contract**

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Mr. Hoag indicates at this time that Items 6 and 7 are new and have not been discussed previously by the APRC, and will be discussed now.

Mr. Wahler presents the issues. States the Williamson Act does not require that an entire parcel be placed under contract if the portion of land proposed for contract meets local eligibility criteria. This issue did come up with a recent contract this last year, of which there was a fair amount of discussion. The act allows for this unless we specifically preclude it from the Rules of Procedure. We do not currently have the ability in the Rules of Procedure directly to prohibit it.

Mr. Wahler explains how having more intensive land uses under more relaxed standards surrounded by contracted agricultural land may create problems with the Williamson Act compatible use requirements and lead to discontinuous pockets of quasi-commercial land uses surrounded by farmland with the associated problems of traffic and land use compatibility problems. Indicates this practice may further complicate agricultural practices and regulation due to the need for agricultural buffers internal to an individual parcel, a portion of which is under contract and a portion of which is used intensively for processing and marketing of agricultural products and related activities.

The staff recommendation for presentation to the Board is to amend the Rules of Procedure to include language to preclude the exclusion of portions of legal parcels from land conservation contracts.


Mr. Hoag states he recently spoke with Dennis O'Bryant of the Department of Conservation, indicating Mr. O'Bryant verified that the Williamson Act does not preclude portions of legal parcels being excluded from land conservation contracts and the State has no official stance on the matter. He was given the impression from Mr. O'Bryant that it is OK with the Department of Conservation for local agencies to exercise the option to not allow the exclusion of a portion of a legal parcel from a contract.

Ms. Auchinichie responds. States it wasn't a situation where the act itself didn't specify a particular reason – it was one of those things that was so obvious that the entire parcel should go under contract...so, it's not as though they wrote the Act to allow for this.

There is further discussion on the point that the Department of Conservation would probably like to see counties exercise their local option to preclude portions of lots being excluded from contracts.

There is discussion as to why a landowner would want to exclude a portion of his property.

Mr. Hoag expands on the issue - to include whole parcels vs. exclusion of parts of parcels. Asks if the committee wants to recommend to the BOS that if someone comes in for an Ag Preserve or Farmland Security Zone contract that they should be required by local option to include an entire legal parcel instead of being able to exclude a portion of a legal parcel where there isn't already an established legal property line.



County Counsel discusses possible problems/concerns. States there are good concerns on both sides.

Mr. Hoag indicates that the County Land Use Ordinance allows, in the Agriculture category, winery cafes. They are limited in size and have to be legitimately with an on-site agricultural use and visitor serving use. The Rules of Procedure (now in Table 2, the agriculture and compatible uses) doesn't treat those any differently than the LUO does. In other words, it actually is allowed in our local rules right now. The question is, does this create a problem under the Laird Bill or is this something we need to take a look at. States we are asking the Board to take a closer look at Table 2.

Mr. Hoag clarifies the fact that these discussions are to examine the issues and then make a formal recommendation to the Board.

Maria Lorca, Creston Citizens for Agricultural Preserve, states her group feels the whole parcel should be under contract.

Susan Harvey, Paso Watch, states her support for recommendation #6.

**ACTION ON ITEM #6:**

**Thereafter, on motion of Sarah Sylwester and second by Linda Auchinichie, the recommendation to amend the Rules of Procedure to include language to preclude the exclusion of portions of legal parcels from land conservation contracts is approved for presentation to the Board of Supervisors.**

**AYES: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester**

**NO's: None**

**Item #7: Laird Bill Consistency**

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**Residential Density**

Terry Wahler presents the items. He mentions the difficulties in implementing the Laird Bill on the local level, explaining how complicated it gets to be on individual properties with existing structures, particularly and how it relates to new structures. Some of the primary areas of concern is the issue of residential density. The issue is the Inland Land Use Ordinance allows the number of residences in the Agriculture land use category to be based on the number and sizes of parcels and allows two primary dwellings per parcel (20 acres or larger in size) in addition to farm support quarters meeting LUO standards. The Williamson Act bases residential density on each land conservation contract as a whole regardless of the number of underlying parcels in each contract and each residence must be incidental to or in support of the agricultural enterprise. Also, it requires that each residence be

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incidental to or in support of the agricultural enterprise – there needs to be a direct relationship to that. One of the complicated parts of this is long-term enforcement in a situation where we can't guarantee who will be living in the residence from year to year and the residences don't go away as quickly as renter's do. The practicality of implementing this and monitoring this is quite complicated. A start to this is to structure Rules of Procedure in Table 2 and supporting comments such that the practice is clear and consistent with the intent of the Laird Bill. Staff's recommendation is to amend the Rules of Procedure to clarify the residential density changes.

There is discussion.

Mr. Hoag reads language from the Inland Ordinance, indicating the ordinance itself doesn't regard the residences as the primary use of the site. He indicates that, at the very least, we will be asking for a recommendation to the Board that for contracted land, residential density be calculated based on the whole contract and not on the component parcels.

Mr. Hugh Pitts questions the number of allowed residences.

Mr. Wahler suggests consideration of total acres.

Mr. Nock asks for further clarification.

Warren Hoag responds.

Don Warden asks about family members residences versus farm labor quarters.

Mr. Wahler responds that the Laird Bill does not provide for family members being treated differently and proceeds to explain qualifications further.

Paul Clark asks about changes in family status and breach of contract.

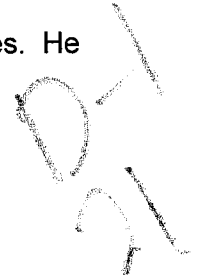
Susan Harvey refers to the State and why changes were made. She questions farm support quarters sizes, requirements/restrictions and violations. She believes some changes should be put in place. States there must have been some serious problems to create the changes.

There is discussion.

Dick Nock moves to approve the residential density recommendation to amend the Rules of Procedure to clarify the residential density changes. Linda Auchinichie seconds.

Mr. Hoag explains that on farm support quarters, we do specifically require deed restrictions on those. If they're authorized on that basis, we indicate what the status of the residences has to be. There are density standards for how many you get. Grazing is one per 320 acres, dry farm orchards, vineyards, beans and special field crops is 1 per 40, irrigated row crops, specialty crops, orchards and vineyards is 1 per 20 to give some examples. In the ordinance section on the farm support quarters, there does not seem to be any restrictions in building size.

Mr. McMillan speaks on The Rules of Procedure and the Laird Bill regarding minimum parcel sizes. He indicates he feels the Laird Bill should be addressed further and whether we will allow multiple contracts on single holdings.



County Counsel reviews a section of the Laird Bill. Believes a person could come in with a contract on a separate property and build a house on each one and not violate the material breach section. It does say for contracts entered into before 2004, all property subject to any contract or all contiguous property subject to contract or contracts owned by the same land owner (plural)...and when it speaks to contracts entered into after January 1, 2004, it's all property subject to contract entered into after that date (singular).

Terry Wahler discusses family owned trusts.

There is further discussion.

Mr. Hoag calls for the motion.

**ACTION ON ITEM #7 – Residential Density:**

**Thereafter, on motion of Dick Nock and Second by Linda Auchinichie, the recommendation to amend the Rules of Procedure to clarify the residential density changes is approved for presentation to the Board of Supervisors.**

**AYES: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sarah Sylwester**

**NO'S: None**

**Transient Occupancy**

Terry Wahler presents the issue, stating Table 2 of the existing Rules of Procedure allows the establishment of an eight unit Bed and Breakfast. Where there is an existing visitor-serving use on site, a family does not have to live in the residence used for the Bed and Breakfast. These more recent changes to the Land Use Ordinance increase the intensity of this type of use. Staff is recommending that with more problems and that issue coming up, this committee should direct us to go forward with Rules of Procedure and Land Use Ordinance amendments to eliminate this land use on contracted land or reduce the number of units allowed.

Mr. Pitts asks about the current unit limit and existing standards. Mr. Wahler responds, stating up to eight units with no restriction to size. He adds there are no specific standards regarding this, but there is a general requirement that it be in support of and incidental to the agricultural use on the property.

Ann McMahon, states she is on a committee for the Ag Tourism Work Group that will be discussing bed and breakfast facilities. Discusses interpretation of the Laird Bill.



Mr. Hoag replies, stating he thinks what needs to be considered is a different level of visitor-serving use acceptable on ag zoned property that's not under contract, and should we be tighter on contracted lands because we're already giving the benefit of the property tax reduction.

There is further discussion.

Eric Greening states he is happy to see Ag Tourism and Farm Stays separated from transient occupancy, because he believes the purpose of agricultural tourism and farm stays is for the visitors to experience and learn about agriculture. Staying in the spare bedroom of a working farm or ranch is entirely consistent with the boundaries that we are trying to protect with the Williamson Act. Discusses Ag Policy #6 in the Ag/Open Space Element with a bed and breakfast sitting in the middle of agricultural land where you have people commuting in to take care of visitors and the visitors are not actually experiencing anything except the ambiance of being surrounded by farmland, he just doesn't see where there is any connection you can tie to agriculture production. He suggests that where the line exists is between what you call transient occupancy which doesn't fit and what can be called agricultural tourism and farm stays that does fit and the line is already drawn here.

Ed Carson motions that inasmuch as these three items are related, that they are all designed to be examined, that we consider recommendations be made at a later date, and given the hour and number of items on the agenda, he recommends that the Board of Supervisors look at processing amendments to all of the remaining items under Item #7.

**Don Warden offers a second on the motion.**

Bob Lilley questions new structures.

Warren Hoag states this can be addressed as part of the allowable uses under Table 2.

**ACTION ON ITEM #7 – Transient Occupancy:**

**Thereafter, on motion by Ed Carson and second by Don Warden, the recommendation to amend the Rules of Procedure to clarify the allowable transient occupancy uses is approved for recommendation to the Board of Supervisors.**

**AYES: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester**

**NO's: None**

**Agricultural Tourism and Farm Stays**

No discussion.

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**ACTION ON ITEM #7 – Agricultural Tourism and Farm Stays:**

Thereafter, on same motion as above by Ed Carson and second by Don Warden, the recommendation to amend the Rules of Procedure to provide guidelines for agricultural tourism and related activities on contracted land is approved for recommendation to the Board of Supervisors.

**AYES:** Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sarah Sylwester

**NO's:** None

**Temporary Events**

No discussion.

**ACTION ON ITEM #7 – Temporary Events:**

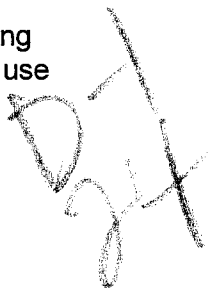
Thereafter, on same motion as above by Ed Carson and second by Don Warden, the recommendation to amend the Rules of Procedure to provide additional criteria to address potential consistency issues with Laird Bill changes is approved for recommendation to the Board of Supervisors.

**AYES:** Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sarah Sylwester

**NO's:** None

**Table 2 – Agricultural and Compatible Uses for Lands Subject to Land Conservation and Farmland Security Zone Contracts**

Mr. Wahler presents the issue, indicating Table 2 of the Rules of Procedure (especially the clarifying notes therein) need to be amended to address land uses that may no longer meet the compatible use requirements of the Williamson Act.





**ACTION ON TABLE 2 – Agricultural and Compatible Uses for Lands**

Thereafter, on motion by Linda Auchinichie and second by Ed Carson to approve the recommendation to request authorization of amendments to amend Table 2 of the Rules of Procedure to reflect clarifications and changes to allowable land uses needed for consistency with current Williamson Act requirements.

**AYES: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sarah Sylwester**

**NO's: None**

**OPEN PUBLIC DISCUSSION**

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Warren Hoag states as promised, at this time we will discuss some other possible rule changes before we move on to LUO amendments that weren't put into the draft authorization report, including the issue of contracted parcels, or the rights of contracted parcels being transferred to non-contracted parcels; the multiple contract issue, and the issue of different minimum parcel sizes for qualification and subsequent division for sale.

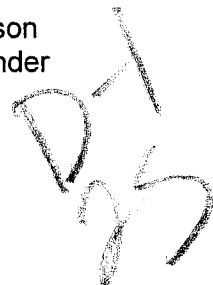
Discussion begins with the public comment regarding contracted parcels being transferred to non-contracted parcels.

Dorothy Jennings addresses lands under contract that are over-layed with land conservation easements and additional considerations therein. Discusses a sentence used in the Williamson Act that would allow land contracted with underlying parcels to move those parcels to an adjacent, non-contracted parcel. She indicates that this seems like a way around the Williamson Act and something that ordinary tax payers would not want to see happen.

Warren Hoag states his understanding of Ms. Jennings comments, asking if she feels this committee should probably examine the issue and take a position before the Board makes a decision on the Rural Planned Development Ordinance (RPD), stating this is not something that's directly related to amending the Rules of Procedure necessarily. Committee discusses whether this should be something that's directly related to amending the Rules of Procedure.

Susan Harvey addresses differences to tax payer between TDC's vs. Williamson Act benefits.

Sarah Sylwester indicates she can see where it could be part of the Rules and Procedures, in particular, where a person is getting a tax break on the property because it's been under Williamson Act, and if they decided they wanted to develop that property into something that's not allowed under the Act.



There is further discussion of development rights, differences in parcels (i.e. minimum parcel sizes), ag cluster ordinance, and the RPD Ordinance.

Mr. Hoag agrees there are a lot of issues with the RPD Ordinance and feels it will be some time before it's clarified as to what will actually come out of it.

Eric Greening, states we are dealing with a package of amendments. We have a date certain (April 11<sup>th</sup>) to present to the Board of Supervisors, who are explicitly looking at the Rules of Procedure and what is being brought to our attention by the public is something else on a separate track to the Board that explicitly contravenes the Rules of Procedures, essentially a defacto amendment of the Rules of Procedure. An extension of that contravention of the rules of procedure to cover the entire county and not just the areas where ag clusters can take place, since there is no geographical limitation on the location of RPD's. Mr. Greening states that from the standpoint of process, this committee was not included in the explicit list given by the board, of committees that were to review the RPD. He suggests the committee at least ask to have "an oar in the water" on the RPD, separate from this package, before the board makes a decision to move forward.

Mr. Hoag states he is not sure whether the commission has to ask permission to weigh in on the issue. Indicates the Rules of Procedure state the committee is empowered to comment on any projects or policy issues that directly affect the program.

There is discussion of timing for a special meeting to review the RPD and the Board docket and what the committee should present to the Board.

Mr. Hoag states he feels the committee should schedule a separate meeting to discuss the RPD ordinance independently to be presented to the Board at a later time, and that the committee keep the majority of this package moving forward in order to present the recommendations as planned.

Sarah Sylwester asks if the Rules of Procedure can specifically say that contracted land can not take part in TDC's.

Mr. Wahler states the TDC Ordinance could just as easily do this.

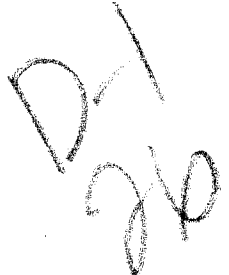
There is discussion on amendments to the ordinance.

Mr. Hoag responds. He states what the Board directed the last time they considered the program was for staff to process amendments to the ordinance that would eliminate transferring density from one ag site to another and you couldn't be a receiver site outside of the village reserve line. They directed staff to process those amendments. Once prepared, they will be circulated for public review. The Board also asked us to return to them with a recommendation on the makeup of a new technical advisory committee for TDC's that would advise the Board on the necessity of further changes to the program. So, at the very least, it appears the Board is looking at preventing transferring density from one ag parcel to another, ag to ag category properties, from preventing properties from receiving transferred density outside of the urban reserve and village reserve lines.

There is discussion of having a study session at the next meeting scheduled in April.

Lynda Auchinichie suggests Mr. Hoag meet with Sarah Sylwester to review RPD's.

Ms. Harvey addresses agency comments on RPD's and the WRAC.



Mr. Greening suggests anyone interested may attend the WRAC meeting scheduled at the Library this Wednesday, for which RPD is a major item on the agenda.

Warren Hoag summarizes the previous discussion, stating that staff be directed to look at the possible impacts of the RPD Ordinance on the Ag Preserve Program and report back to the committee at our next meeting.

**ACTION ON RPD PROPOSAL:**

**Thereafter, on motion of Tom Price and second by Irv McMillan, staff is directed to look at the possible impacts of the RPD Ordinance on the Ag Preserve Program and report back to the committee at our next meeting. (This item will not be included in the Board of Supervisors authorization report.)**

**Ayes: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen  
Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester**

**NO's: None**

Mr. Hoag asks if the committee would like to schedule discussion of multiple contracts and different minimum parcel size for qualification and division for another meeting.

It is agreed and no motion is necessary.

Mr. Hoag indicates he will note that the additional possible rule changes of allowing multiple contracts on single ownership land and having different minimum parcel sizes for qualification of land division will be brought back for further discussion at a future meeting.

Mr. Nock suggests this committee also discuss changing minimum parcel size on grazing land from 100 to 640 acres for qualification.

Linda Auchinichie addresses large parcel sizes. States concerns with integrity of the Ag Preserve Program.

Warren Hoag summarizes the actual issue as land capability (soils) versus ag use for qualification and re-examination of Table 1.

County Counsel responds, stating our Land Use Ordinance for agriculture zoned land allows someone to put a structure on first before being made accessory to agriculture use. States he's not sure whether there is anyone checking later on.

There is discussion of the property owner signing a statement.

Warren Hoag asks Terry Wahler to present the Land Use Ordinance recommended amendments.

Mr. Wahler presents issue #1 under Amendments to the Inland and Coastal Zone Land Use Ordinances. The issue is that the Land Use Ordinance and Coastal Zone Land Use Ordinance allow specific numbers and types of residential density on land that is designated Agriculture. This provision needs to reflect the density allowed by the Rules of Procedure for lands under contract. Mr. Wahler indicates staff's recommendation is to amend the relevant sections of the Land Use Ordinance and Coastal Zone Land Use Ordinance to reference residential density to require compliance with the Rules of Procedure for all lands under land conservation or Farmland Security Zone contracts.

Mr. Wahler presents issue #2, stating the Land Use Ordinance and Coastal Zone Land Use Ordinance allow specific uses on land that is designated Agriculture. These uses need to reflect the uses allowed by the Rules of Procedure for lands under contract, specifically Table 2. States staff recommends amendment of the relevant sections of the land use ordinances to clarify that allowed uses on contracted land are also subject to Table 2 of the Rules of Procedure.

Mr. Hoag clarifies the issue to mean simply that anything on contracted land related to residential density and allowable uses, that we have the ordinance say you can do what the Rules of Procedure allow.

County Counsel and Mr. Hoag briefly discuss the Board approval process and making amendments through the normal hearing process.

Mr. Wahler adds that Table 2 already addresses the restrictions of uses that are different from Table O.

There is discussion of amending the Land Use Ordinances when the Rules of Procedure are amended.

Lynda Auchinichie suggests we ask for permission from the Board to discuss the Land Use Ordinance further.

There is discussion of the language being used.

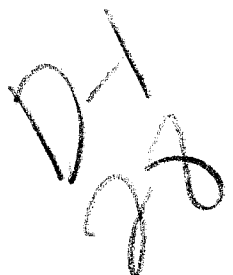
Mr. Hoag suggests the following language be used: "Amend the relevant sections of the LUO and CZLUO to reflect the residential standards required by the Rules and Procedures."

Linda Auchinichie suggests recommending the Board authorize the processing of amendments to the LUO and the CZLUO to incorporate the changes in the Rules of Procedure on residential density and allowed uses to achieve Laird Bill consistency.

**ACTION ON LUO AMENDMENTS:**

**Thereafter, on motion of Linda Auchinichie and Second by Ed Carson, a recommendation that the Board authorize the processing of amendments to the LUO and the CZLUO to incorporate the changes in the Rules of Procedure on residential density and allowed uses to achieve Laird Bill consistency is approved for presentation to the Board of Supervisors.**

**Ayes: Don Warden  
Dick Nock  
Irv McMillan  
Wayne Jensen**

A handwritten signature in black ink, appearing to be "D. Hoag", is located in the bottom right corner of the page.

Hugh Pitts  
Ed Carson  
Robert M. Sparling  
Thomas J. Rice, Jr.  
Lynda Auchinichie  
Sara Sylwester

**NO's: None**

Lynda Auchinichie asks that since three individuals have brought up the minimum parcel size requirement that, after the meeting of April 11<sup>th</sup>, to have another authorization proposal that can go forward so one doesn't get stalled but we could go almost immediately with another authorization after April 11<sup>th</sup>.

Staff time and workload are discussed.

Warren Hoag shares some information from a recent workshop with the County Ag Commissioner. States there are a little over 825,000 acres under regular or Farmland Security Zone contract. The County has a total land area of about 2.1 million acres and of that about 520,000 acres are in public ownership and about 107,000 acres are urban areas. He states about 1.4 million acres is regular agriculture zoning which is about 60% of the total county. Indicates what is under contract so far is about 39% of the total county, about 55% of privately owned rural land (non-public ownership not in urban areas) is under contract, and 59% of the agriculture zone land in the county is under contract. The average annual tax relief for contracted land is about \$13,000 per property per year.

Ms. Auchinichie asks about the possibility of requesting more staffing for program administration and enforcement through the Board of Supervisors.

Mr. Hoag explains this is a budget matter, and he needs time to consider this further and will discuss it with Ms. Auchinichie at a later date.

Terry Wahler offers that the County is now updating records, including digitizing maps, which entails going back and making corrections and/or changes which is very time consuming.

**PUBLIC COMMENT:**

Susan Harvey thanks staff for all their work.

**NEXT MEETING DATE:**

Monday, April 10, 2006.

There being no further business to discuss, the hearing is adjourned.

Respectfully submitted,  
Mary Velarde, Secretary

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